

**TOWN MANAGER**  
Ken Deal

**TOWN CLERK**  
Pamela Mills

**TOWN ATTORNEY**  
Tom Brooke



**MAYOR**  
Lee Withers

**TOWN COUNCIL**  
Arthur Heggins  
Brandon Linn  
Rodney Phillips  
Charles Seaford  
Steve Stroud

**CHINA GROVE PLANNING BOARD MEETING**  
**Minutes of Regular Meeting**  
**Thursday, September 12, 2019**

The China Grove Planning Board met on Thursday, September 12, 2019 at 7:00 PM at the China Grove Town Hall, 333 North Main Street, China Grove, North Carolina.

**Planning Board Members Present:** David Morton, Chairman  
Butch Bivens, Vice Chairman  
Jason Higgins  
Jason Hinson  
Brie Bivens-Hager

**Planning Board Members Absent:** Natalie Morgan  
Rodney Phillips

**Staff Present:** Pamela Mills, Town Clerk  
Franklin Gover, Assistant Town Manager

**Visitors:**

**Roll Call and Recognition of Quorum**

Chairman Morton called the meeting to order at 7:00 PM. The presence of a quorum was recognized at that time.

**Approval/ Corrections of Minutes**

Mr. Hinson made the motion to approve the August 8th, 2019 minutes. Mr. Higgins seconded the motion, which carried unanimously.

**Adoption of Agenda**

Mr. Hinson made the motion to adopt the agenda. Mr. Higgins seconded the motion, which carried unanimously.

**Public Comment**

None

**2019-Z-02; Suburban Residential to Highway Business**

Mr. Gover stated the applicant is requesting a zoning map amendment for parcels 115 058 & 115 177, located at 1675 North Main Street. He stated the request is to rezone from Suburban Residential to

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Highway Business. He stated the 5 acres is located in the ETJ. He stated this is a straight rezoning and the board needs to consider all uses permitted within the HB District. He stated the HB district runs along HWY 29 on the east side. He stated there is an existing single-family home on the property. He stated this property is located in the General Commercial future land use category of the Land Use Plan. He stated the HB District is compatible with the General Commercial category. He stated the parcels front North Main Street/US Hwy 29 a major thoroughfare connecting China Grove and Salisbury. He stated if approved these parcels would join our northern HB District which extends north from the US 29 and NC 152 intersection. He stated the change will allow a variety of service and retail uses. He stated residential uses are not permitted within the HB District. He stated currently the property is served by well and septic.

Chairman Morton opened the courtesy hearing.

Ernest Guthrie - 379 Collins Road

Mr. Guthrie asked if the parcels will be annexed into the city limits. Chairman Morton stated it is not being asked of by the property owner.

Chairman Morton closed the courtesy hearing.

#### Statement of Consistency and Reasonableness

Mr. Hinson made the motion to recommend to the Town Council to approve 2019-Z-02 due to being consistent with the adopted China Grove Land Use Plan based on the fact that these parcels are located along Hwy 29 North which is the Highway Business District, our major thoroughfare of mixed retail and service uses. Furthermore, the adoption of 2019-Z-02 is reasonable and in the public interest based on the fact that the HB district is compatible with our General Commercial future land use category which promotes retail and service uses. Mr. Bivens seconded the motion, which was carried unanimously.

Mr. Higgins made the motion to recommend approval the request to rezone Rowan County Tax Parcels 115 058 & 115 177 from RS to HB. Mr. Hinson seconded the motion, which was carried unanimously.

#### **2019-Z-01 & 2019-CUP-02; Resubmittal, Suburban Residential to Mixed Residential**

Mr. Gover stated the applicant is requesting a rezoning from Suburban Residential district to Mixed Residential Conditional Use district to accommodate a major residential subdivision with 50 and 60-foot-wide lots. He stated the property owner is B & C Land Farming LLC. He stated at the May meeting Planning Board voted 5-2 to recommend approval with the following conditions: lots 1-52 have a minimum lot width of 50 ft, lots 53-188 have a minimum lot width of 50 ft except when the elevation change of 8 or more ft is present on the rear of the lot then the lot shall be 60 ft in width, no steep slope shall begin within 12 ft of the rear façade of the home, a greenway path shall be installed up to Shue Road, walking trails through the nature preserve areas connecting Black Bear Street to Mountain Goat Lane, Mountain Goat Lane to Gray Wolf Street, and around White Hare Lane, the plat shall indicate a future street connection to the rear of North Main Street Baptist across from Ocelot Lane, and vehicular connectivity from Red Fox Lane to White Hare Lane. He stated at the June 4<sup>th</sup>, 2019 Town Council meeting the Council suspended the review process for 2019-Z-01 & 2019-CUP-02 and suggested the applicant review their plans and accommodate the existing Suburban Residential minimum lot width of 70 feet. He stated the applicant was instructed to resubmit for Planning Board consideration.

Mr. Gover stated the plat has been reviewed by the TRC and town staff. He stated the plat was revised but does not conform to the dimensional standards of the Suburban Residential. He stated the plat now includes a mixture of 50 and 60-foot-wide lots. He stated the Land Use Plan recognizes this area as Rural Residential future land use category. He stated this category is designed to preserve the existing rural

character and offer larger lots and is typically located on the outskirts of town. He stated Suburban Residential district would be more compatible with this area.

Mr. Gover stated this project is subject to the requirements of Salisbury Rowan Utilities, Rowan County Building Inspections, Rowan County Environmental Management and various other agencies. He stated the streets within the neighborhood will eventually be maintained by the town the intersections with US 29 are subject to approval of NCDOT. He stated the UDO requires developers provide street stubs to underdeveloped adjoining properties. He stated Planning Staff and TRC have reviewed the preliminary plat and the plat largely meets the requirements of the UDO. He stated no material evidence has been presented that this development will affect the property values of adjoining or abutting properties. He stated the proposed density is less than 3 units an acre. He stated the total open space required is 20% and they are proposing 25% or 11.25 acres.

Mr. Hinson asked what the decision did the Town Council make. Mr. Gover stated the Town Council suspended review of the process and requested 70-foot lots.

Eddie Moore-McAdams

Mr. Moore stated True Homes decided not to be the developer and builder of the property. He stated he is here on behalf of Jonathan Foess, owner of B&C Land Farming. He stated Mr. Foess does have another builder that is in line for the project. He stated a market analyst study was done to look at this property and the validity of 70-foot lots. He stated after this analyst they concluded that 70 foot lots would not work in this business plan. He stated the outcome of that was a lot reduction to 174 with a loss of 14 lots. He stated they are proposing 65 60-foot-lots and 109 50-foot-lots. He stated if 70-foot lots were used the reduction would be 143 lots with a loss of 45 lots and the loss of the central park area. He stated this site is attractive due to proximity to Food Lion, the Middle School is within a mile, the Ballpark is close by, Downtown is less than a mile and great access to I-85. He stated water and sewer will be available to this site. He stated looking at what is recommended for the area it states the area is not serviced by water and sewer. He stated looking at low to medium density he could not find a definition for that. He stated the plan shows a density of 2.7. He stated he believes with the design presented they have met the Rural Residential category with preserving the rural character and open space. He stated we are able to preserve the open space and trees by offering smaller lots. He stated the Rural Residential category does not discuss lot width only density.

Mr. Hinson asked if its common practice for Mr. Moore to send an email or letter to the Town Council. Mr. Moore stated he does not do it every time. Mr. Hinson asked Mr. Moore about his statement in the letter that the opposing votes voted against the CUP due to the conditions being too strict. Mr. Moore stated it was his understanding that the two members voted against the CUP due to the conditions being over and beyond. Mr. Hinson stated that statement is not in the minutes and the two members do not recall stating that.

Chairman Morton opened the courtesy hearing.

Ernest Guthrie - 379 Collins Road

He stated he is in favor of this rezoning and the proposed neighborhood. He stated the only concern he has is the sewer line location going along the creek. He asked how the property would be offered water and sewer. Chairman Morton stated they will connect to Salisbury Rowan Utilities. He asked if the property is located inside the city limits. Chairman Morton stated the property is located inside the city limits.

Chairman Morton closed the courtesy hearing.

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Mr. Hinson stated the Town Council asked for 70-foot lots. He stated he believes the board should recommend 60-foot lots all around to meet in the middle. Chairman Morton stated he does not have a problem with 50- and 60-foot lots. He stated he is happy with the connectivity presented and the fact there are nature trail areas and open spaces. He asked if the steep slopes have been addressed and if these lots do have a useable backyard. Mr. Moore stated the houses built on these types of lots will have an 8 to 20-foot flat area before reaching the mowable slope. He stated the trend these days are nature trails and parks or open spaces in the neighborhood and smaller lots to take care of.

#### Statement of Consistency and Reasonableness

Mr. Higgins made a motion that 2019-Z-01 is appropriate and necessary to meet the development needs of China Grove for the following reasons not previously envisioned by the China Grove Land Use Plan because of the proximity to Hwy 29 and commercial development, the site has connectivity for sewer and water, and the topographic challenges to this site. Furthermore, the adoption of 2019-Z-01 is deemed an amendment to the China Grove Land Use Plan and is reasonable and in the public interest based on the fact that the proposed subdivision has a similar gross density of less than 3 units per acre to the Suburban Residential zoning district. Mr. Bivens seconded the motion, which was carried unanimously.

#### 2019-Z-01

Mr. Higgins made the motion to recommend approval 2019-Z-01 the request to rezone Rowan County Tax Parcels 115 062, 117 165, 117 204, 117 205 from RS to RM. Mr. Bivens seconded the motion, which was carried unanimously.

#### 2019-CUP-02

Mr. Higgins made the motion to recommend approval to allow 2019-CUP-02 a Major Residential Subdivision on Tax Parcels 115 062, 117 165, 117 204, 117 205 with the conditions that no steep slope shall begin within 12 ft of the rear façade of the home, a greenway path shall be installed up to Shue Road, walking trails through the nature preserve areas, 60 foot lot widths on the lots with steep slopes, and future street connection to the rear of North Main Street Baptist across from Ocelot Lane. Mr. Bivens seconded the motion, which was carried unanimously.

#### 2019-S-01

Mr. Hinson made the motion to recommend approval of 2019-S-01 preliminary plat. Mr. Higgins seconded the motion, which was carried unanimously.

#### **2019-TA-01; Unified Development Ordinance Amendment to Chapter 8.11 Stormwater Management**

Mr. Gover stated our ordinance must meet the minimum standards established NCDEQ regarding stormwater management. He stated NCDEQ has reviewed our ordinance and recommended changes to ensure consistency with state requirements.

#### Statement of Consistency and Reasonableness

Mrs. Bivens-Hager made the motion to recommend 2019-TA-01 to the Town Council to amend Chapter 8.11 Stormwater Management to ensure compliance with current NCDEQ Phase II stormwater design and maintenance requirements. Mr. Bivens seconded the motion, which was carried unanimously.

Mrs. Bivens-Hager made the motion to recommend 2019-TA-01 to the Town Council. Mr. Bivens seconded the motion, which was carried unanimously.

#### **2019-TA-02; Unified Development Ordinance Amendment to Chapter 11 Signs - Electronic Message Centers**

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Mr. Gover stated this amendment allows and regulates On Premise Electronic Message Boards. He stated this amendment will also remove freestanding signs for civic uses within the Central Business district to maintain the character of Downtown.

Mr. Hinson made a motion to table 2019-TA-02 to the next meeting. Mr. Higgins seconded the motion, which was carried unanimously.

### **Adjourn**

Mrs. Bivens-Hager made the motion to adjourn. Mr. Higgins seconded the motion, which was carried unanimously.

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David Morton  
Chairman

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Pamela L. Mills, CMC  
Town Clerk